11 FOR THE NORTHERN DISTRICT OF CALIFORNIA 12 LEE CONWAY 13 Plaintiff, 14 Case No. C14-05281 KAW Civil Rights STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME UNDER F.R.C.P. ROBYN HALLIN; MS. DOE RUIZ; and; DOES 1-10, inclusive, Defendants. 12 DAVID F. FAUSTMAN, ESQ. (State Bar No. 81862) dfaustman@foxrothschild.com CRISTINA ARMSTRONG, ESQ. (State Bar No. 246156) carmstong@foxrothschild.com FOX ROTHSCHILD, LLP 345 California Street, Suite 2200 San Francisco, CA 94104 Telephone: 415.391.4436 Attorneys for Defendants PEET'S OPERATING COMPANY, INC. and	- 1				
*Defendant's counsel listed after the caption UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA LEE CONWAY Plaintiff, V. PEET'S OPERATING COMPANY, INC.; PEET'S COFFEE & TEA, INC.; ROBYN HALLIN; MS. DOE RUIZ; and; DOES 1-10, inclusive, Defendants. Case No. C14-05281 KAW Civil Rights STIPULATION AND PROPOSED ORDER TO EXTEND TIME UNDER F.R.C.P. RULE 12(F) Action Filed: December 2, 2014 DAVID F. FAUSTMAN, ESQ. (State Bar No. 81862) dfaustman@foxrothschild.com CRISTINA ARMSTRONG, ESQ. (State Bar No. 246156) carmstong@foxrothschild.com FOX ROTHSCHILD, LLP 345 California Street, Suite 2200 San Francisco, CA 94104 Telephone: 415.364.5540 Facsimile: 415.391.4436 Attorneys for Defendants PEET'S OPERATING COMPANY, INC. and PEET'S OPERATING COMPANY, INC. and PEET'S OPERATING COMPANY, INC. and	2 3 4	CELIA MCGUINNESS, ESQ. (State Bar No. 159420) CATHERINE CABALO, ESQ. (State Bar No. 248198) LAW OFFICES OF PAUL L. REIN 200 Lakeside Drive, Suite A Oakland, CA 94612 Telephone: (510) 832-5001 Facsimile: (510) 832-4787			
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	26 27 28				

1	<u>STIPULATION</u>		
2	TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO ALL		
3	PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:		
4	WHEREAS, this case has been assigned for early disclosures and mediation		
5	under General Order 56;		
6	WHEREAS, plaintiff's deadline for filing a motion under Federal Rule of		
7	Civil Procedure ("FRCP") Rule 12(f) regarding defendants PEET'S OPERATING		
8	COMPANY, INC. and PEET'S COFFEE & TEA, INC.'s Answer is January 28,		
9	2015;		
10	WHEREAS, plaintiff and defendants wish to avoid the time and expense of		
11	briefing an FRCP 12(f) motion until/unless mediation under General Order 56 does		
12	not succeed;		
13	IT IS HEREBY STIPULATED by and among plaintiff and defendants that		
14	the deadline for plaintiff to file any motion under FRCP 12(f) be extended to 45		
15	days past the date the mediator certifies that mediation under General Order 56 has		
16	been completed. It is also stipulated that 1) the parties shall meet and confer within		
17	7 days after the mediation has been certified as completed; 2) that defendant shall		
18	thereafter be allowed an opportunity to voluntarily amend its answer prior to		
19	plaintiff filing any Rule 12(f) motion; and 3) that any amended answer shall be filed		
20	no later than 7 days after the parties meet and confer.		
21	IT IS SO STIPULATED.		
22			
23	Dated: January 27, 2015 LAW OFFICES OF PAUL L. REIN		
24			
25	<u>/s/ Catherine Cabalo</u> By: CATHERINE CABALO, ESQ.		
26	Attorneys for Plaintiff		
27	LEE CONWAY		
28	- 2 -		

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1	Dated:	January 27, 2015	FOX ROTHSCHILD, LLP
2			
3			/s/ Cristina Armstrong
4			By: CRISTINA ARMSTRONG, ESQ. Attorneys for Defendants
5			PEET'S OPERATING COMPANY, INC. and
6			PEET'S COFFEE & TEA, INC.
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STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME UNDER FRCP 12(f) Case No. C14-05281 KAW FRCP 12(f).docx

ORDER 1 Pursuant to the stipulation of the parties, and for good cause shown, it is 2 hereby ORDERED that the deadline for plaintiff to file any motion under Federal 3 Rule of Civil Procedure 12(f) against defendants PEET'S OPERATING 4 COMPANY, INC. and PEET'S COFFEE & TEA, INC. be extended to 45 days past 5 the date the mediator certifies that mediation under General Order 56 has been 6 completed. The parties shall meet and confer within 7 days after the mediation has 7 been certified as completed. Defendant PEET'S OPERATING COMPANY, INC. 8 and PEET'S COFFEE & TEA, INC. shall thereafter be allowed an opportunity to 9 voluntarily amend its answer prior to plaintiff filing any FRCP 12(f) motion. Any 10 amended answer shall be filed no later than 7 days after the parties meet and confer. 11 IT IS SO ORDERED. 12 13 14 Dated: <u>2/4</u> , 2015 15 16 United States Magistrate Judge 17 18 19 20 21 22 23 24 25 26 27

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